

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GRACIE E. McBROOM,

Plaintiff,

vs.

Civil Action 2:12-cv-1074
Judge Marbley
Magistrate Judge King

HR DIRECTOR FRANKLIN COUNTY
BOARD OF ELECTIONS,

Defendant.

ORDER

Plaintiff, who is proceeding *in forma pauperis* without the assistance of counsel, has filed a *Motion for Recusal*, Doc. No. 21. Plaintiff bases her motion on the Court's "refusa[al] to act on the Default Judgment by already arriving at an unfair conclusion about Plaintiff's case" and in striking *Plaintiff's Answer to Defendant's Answer of Defendant Franklin County Board of Elections to Plaintiff's Complaint*, Doc. No. 18. See *Motion for Recusal*, pp. 2-3.

Federal law requires a federal judicial officer to "disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The bias or prejudice that mandates recusal, however, must be wrongful or inappropriate, i.e., either relying on knowledge acquired outside the proceedings or displaying deep-seated and unequivocal antagonism that would render fair judgment impossible. *Liteky v.*

United States, 510 U.S. 540 (1994). In this regard, judicial rulings alone almost never constitute a basis for recusal. *Id.*; *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966).

First, plaintiff's argument that the Court has failed "to act on the Default Judgment" is without merit. Plaintiff's motion for default judgment, Doc. No. 19, was filed on March 13, 2013. That motion is not fully briefed, see S.D. Ohio Civ. R. 7.2(a)(2) (permitting a memorandum in opposition to be served within twenty-one (21) days from the date of service of a motion), and a delay in ruling on the motion does not suggest any bias on behalf of the Court.

Second, plaintiff's argument is based on a judicial ruling that simply does not manifest bias against any party in this action. The Court ordered *Plaintiff's Answer to Defendant's Answer of Defendant Franklin County Board of Elections to Plaintiff's Complaint*, Doc. No. 18, stricken from the record because the "[t]he Federal Rules of Civil Procedure do not . . . permit a response to an answer." *Order*, Doc. No. 20 (citing Fed. R. Civ. P. 7(a)). The Court's reference to and application of the Federal Rules of Civil Procedure do not suggest any bias on behalf of the Court.

Accordingly, as it relates to the undersigned, plaintiff's *Motion for Recusal*, Doc. No. 21, is **DENIED**.

March 18, 2013

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge